



Westfield City Council Report

Ordinance Number:	22-52
APC Petition Number:	2212-PUD-20
Petitioner:	Clark Quinn Moses Scott & Grahn, LLP
Requested Action:	An amendment to add the Real Estate on 2.34 acres +/- into the Wheeler Landing Planned Unit Development (PUD) District.
Current Zoning:	AG/SF1: Agriculture / Single-family Rural District
Current Land Use:	Residential
Acreage:	2.34 acres +/-
Exhibits:	<ol style="list-style-type: none">1. Department Report2. Location Map3. Proposed Ord. 22-52 (Clean)4. Proposed Ord. 22-52 (Redline)5. Neighborhood Meeting Summary6. Public Comment

Staff Reviewer: Caleb Ernest, Senior Planner

PETITION HISTORY

This petition was introduced at the [November 14, 2022](#), City Council meeting. The discussion for this meeting can be viewed [here](#). The petitioner held a neighborhood meeting on November 29, 2022 (**Exhibit 5**). The petition was scheduled for a public hearing at the December 5, 2022, Advisory Plan Commission (the “Plan Commission”) meeting, but the petitioner requested additional continuances. This petition received a public hearing at the [February 6, 2023](#), Plan Commission meeting. The discussion for this meeting can be viewed [here](#). This petition went to a workshop meeting at the [March 20, 2023](#), Plan Commission meeting. The discussion for this petition can be viewed [here](#). The petition received a favorable recommendation at the [July 5, 2023](#), Plan Commission meeting (6-1). The discussion for this meeting can be viewed [here](#).

PROJECT OVERVIEW

Location: This subject real estate is approximately 2.34 acres in size and is located at the southwest corner of 186th Street and Kinsey (the “Real Estate”, see **Exhibit 2**). The Property is

currently zoned the AG-SF1 District. The adjacent properties to the west, south and east are zoned the Wheeler Landing PUD District. The adjacent property to the north is zoned the Grand Park PUD District.

Project Description: The petitioner is requesting an amendment to the Wheeler Landing PUD District to add the Real Estate of 2.34 acres to Area III of the PUD.

ORDINANCE DETAILS – HISTORY OF PROJECT

This section’s purpose is to catalog and explain the different iterations of the project over the approval timeline. The below sections are outlined in order to show what was included in each version of the petition.

Version 1. ORIGINAL PETITION (submitted 11/03/22):

The below standards are what was included in the original petition.

Definitions:

- The proposed Ord. 22-52 includes language about adding the Real Estate into the Wheeler Landing PUD District.
 - Added Real Estate: The portion of the Real Estate identified on Exhibit B of proposed Ord. 22-52 hereto, which is hereby added to the Wheeler Landing Ordinance (Ord. 18-04).
 - Real Estate: The real estate, as described in Exhibit A of proposed Ord. 22-52 to the Ordinance.

Staff Comments: No equivalent standard in the UDO.

Development Standards:

- Architecture:
 - Require a minimum of twenty-five (25%) percent Masonry Materials on a Building Façade.

Staff Comments: In the UDO, Masonry Materials for Multi-family Districts are required a minimum of seventy-five percent (75%) of each Building Façade, excluding windows and doors.

Version 2. REVISED PETITION (modifications made since the 02/06/23 Plan Commission meeting)

The below standards are what was included in the first revised version of the petition.

Petitioner:

- The petitioner has changed from Leo Brown Development, LLC to Clark Quinn Moses Scott & Grahn, LLP.

Ordinance:

- The proposed ordinance has been modified to only add real estate into the Wheeler Landing PUD District. Therefore, the below sections have been modified:
 - Section 2.2 (real estate that was being modified in Wheeler Landing) has been removed.
 - The Concept Plan has been modified to only include the 2.34-acre Real Estate.
 - Section 4 (General Regulations, including maximum number of multi-family units/acreage) has been removed.
 - Section 5 (Development Standards, including masonry materials) has been removed.

Please see the [Redline Ordinance Exhibit](#) from the 02/06/23 meeting for more information.

Version 3. REVISED PETITION (modifications made since the 07/05/23 Plan Commission meeting)

The below standards are what was included in the second revised version of the petition. This version was created voluntarily by the petitioner in response to a City Councilor's comments on the proposed ordinance.

Ordinance:

- A new Section 4 of the proposed ordinance was created to address Additional Uses.
- The new Section 4 includes a modification of the Multi-Family, Dwelling (rental or owned) land use allowed only, 1) in a multi-story building where nonresidential commercial uses occupy the first floor, and 2) no multi-family uses shall be permitted in a single-story building on the Added Real Estate.

Please see **Exhibit 4** for a redline version of the most current proposed ordinance.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (the "[Comprehensive Plan](#)") identifies the majority of this Property as being within the "New Suburban" land use classification. Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zoning map changes; however, the Comprehensive Plan is not law. The Comprehensive Plan is intended to serve as a guide in making land use decisions.

The land uses contemplated for "New Suburban" are: Detached dwellings, Attached dwellings, Institutional uses, Recreational uses, Artisan farms and Equestrian uses.

PROCEDURAL

Public Hearing: A change of zoning request is required to be considered at a public hearing by the Plan Commission. The public hearing for this petition was scheduled for the December 5,

2022, Plan Commission meeting. Notice of the public hearing was provided in accordance with Indiana law and the Plan Commission's Rules of Procedure.

Statutory Considerations: Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

Council Introduction: The petition was introduced at the [November 14, 2022](#), City Council meeting.

RECOMMENDATIONS / ACTIONS

Plan Commission Recommendation

At its [February 6, 2023](#), meeting, the Plan Commission forwarded a favorable recommendation of this petition to the Council (Vote: 6 in favor, 1 opposed).

City Council

Introduction: [November 14, 2022](#)

Eligible for Adoption: [February 6, 2023](#)

Submitted by: Caleb Ernest, Senior Planner, Community Development Department

Report continued on the next page.

APC CERTIFICATION

WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION CERTIFICATION

The Westfield-Washington Township Advisory Plan Commission held a public hearing on Monday, February 6, 2023, to consider an amendment to the Zoning Map and Westfield-Washington Township Unified Development Ordinance. Notice of the public hearing was advertised and noticed in accordance with Indiana law and the Advisory Plan Commission's Rules of Procedure. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The petition is as follows:

Docket No.	2212-PUD-20
Ordinance No.	22-52
Petitioner	Clark Quinn Moses Scott & Grahn, LLP
Description	An amendment to the Real Estate on 2.34 acres +/- in the Wheeler Landing Planned Unit Development (PUD) District.

On July 5, 2023, the Plan commission forwarded a favorable recommendation to the City Council regarding this petition (Vote: 6 in favor, 1 opposed).

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.



Kevin M. Todd, Secretary

July 6, 2023

Date